IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 19109 of 2004

Between:

1 M/s. Millennium Recreation Point, a registered club having its

office at Second floor, 3-6-728
Sunny Palace, Himayathnagar, Hyderabad, represented by its

Secretary and authorised Signatory
Mr. K. Srinivas, S/o. Sri K. Guruvaiah, r/o. Hyderabad
2 Mr. K. Srinivas, S/o. Sri K. Guruvaiah,
r/o. 1-2-607/23/1/C, Ambedkar Nagar, India Park Road, Hyderabad.

..... PETITIONERS

AND

1 The Commissioner of Police, Hyderabad City.
2 The Dy. Commissioner of Police, Central Zone, Hyderabad.
3 The Dy. Commissioner of Police, Task Force Central Zone,

Begumpet, Hyderabad.
4 The Station House Officer, Narayanaguda Police Station,

Narayanaguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant an order, direction or writ, more so in the nature of writ of Mandamus, declaring the actions of the respondents in interfering with the lawful actions of the respondents in interfering with the lawful activities of the petitioner No.1 including playing rummy with or without stakes are clearly arbitrary, illegal and

violative of rules of law, violative of the fundamental right of the petitioner No.2 enshrined in article 14 and 19 of the constitution of India and consequently direct the respondents herein not to interfere with the lawful activities of the petitioner NO. 1 including playing rummy with or without stakes and further to appoint an advocate commissioner to and to direct the respondents to verify the closed circuit television system installed by the first petitioner club and monitor the activities of the first petitioner club through such closed circuit television system.

Counsel for the Petitioner:MR. R. Raghunandan

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER Petitioner is a club. Its grievance is that the respondents are interfering with its activities and preventing its members from playing rummy with stakes or in syndicate.

Learned counsel for the petitioner submits that in *State of A.P. v. K. Satyanarayana*, the Supreme Court held that rummy with 13 cards is not a game of choice and it is a game of skill. He contends that Sections 3 and 4 of the A.P. Gaming Act, 1974 do not apply to such game and it falls within the meaning of game of mere skill under Section 15 of that Act.

Learned Government Pleader for Home, on the other hand, submits that under the guise of playing the game of rummy, the members of the petitioner are resorting to three cards play, which is purely the one of choice.

As part of its activities, the petitioner is maintaining a card room. It is stated that the members of the petitioner club are playing only the 13 card rummy, sometimes with stakes and sometimes in syndicate. In view of the Judgment of the Supreme Court referred to above, the respondents cannot interfere with the playing of rummy by the members of the petitioner. However, if it is noticed that the members of the petitioner are playing any game of choice, including the one with three cards, steps can certainly be taken in accordance with law to prohibit and penalize such activities.

Hence, the writ petition is disposed of directing that the respondents shall not interfere with the lawful activities of the members of the petitioner, namely, playing of rummy with 13 cards with stakes or in syndicate and in case, they are found to be playing any other game of skill, it shall be open to the respondents to take such action as is open to them in law. It is also made clear that under the guise of causing inspection, the officials or advocate-

commissioners shall not be posted and the activities of the club cannot be crippled. No order as to costs.

08.12.2004

ksld

To

1 The Commissioner of Police, Hyderabad City.
2 The Dy. Commissioner of Police, Central Zone, Hyderabad.
3 The Dy. Commissioner of Police, Task Force Central Zone,

Begumpet, Hyderabad.
4 The Station House Officer, Narayanaguda Police Station,

Narayanaguda, Hyderabad.

5 Two CCs. to the G.P. for Home, High Court of A.P.,

Hyderabad(OUT)

6 Two CD copies.